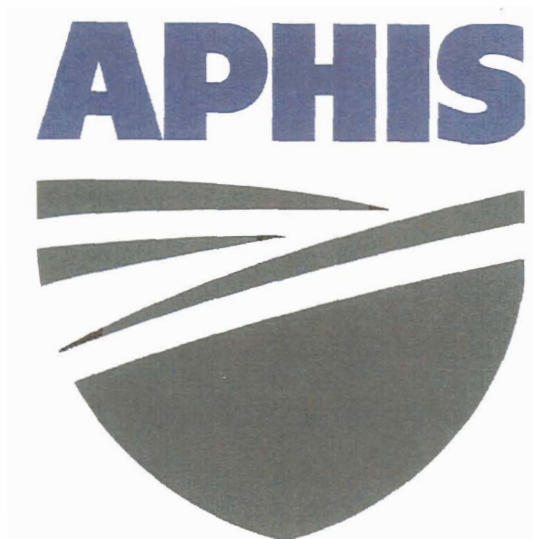


Animal and Plant Health Inspection Service

Civil Rights Performance Report

Fiscal Year 2006

(Period Covering October 1, 2005 – June 30, 2006)



Kevin Shea for

W. Ron DeHaven, Administrator

7/14/06

Date

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EXECUTIVE SUMMARY

The USDA Deputy Assistant Secretary for Civil Rights requires each Agency Head and Staff Office Director to submit an annual Civil Rights Performance Plan to ensure civil rights accountability throughout USDA. The Plan outlines the goals and objectives critical to achieving a model civil rights organization. It is consistent with the EEOC Management Directive 715, the Department of Justice Executive Order 12250, and Departmental Regulation 4300-010, Civil Rights Accountability Policies and Procedures.

The due date for this report is July 17, 2006; therefore it covers the period October 1, 2005 through June 30, 2006 and does not provide an assessment of the entire Fiscal Year. The following is a summary of Fiscal Year 2006 accomplishments to date in support of the USDA Civil Rights Goals and Objectives.

GOAL 1. Commitment of Agency Leadership/Strategic Plan Integration

The Civil Rights Enforcement and Compliance staff successfully accomplished each goal and objective expressed in the strategic plan (*see attached FY 2004 – FY 2007 Civil Rights Strategic Goals*). Accomplishments were incorporated into the EEO Program Status Report submitted under EEOC MD-715 reporting requirements.

APHIS managers have incorporated the provisions of the Departmental Regulation 4300-010, Civil Rights Accountability Policy and Procedures, issued January 18, 2006, into their daily operations. APHIS performance plans include requirements to accomplish civil rights program objectives, integrate civil rights policies, and ensure a discrimination free work environment at all levels. Managers and supervisors are evaluated annually on their support of USDA's commitment to civil rights and equal employment opportunity, and adherence to APHIS civil rights policies and procedures.

The Civil Rights Policy Statement that reaffirm the agency's commitment to Civil Rights and Equal Employment Opportunity, and the Anti-Harassment Policy Statement that reaffirms the agency's commitment to prohibit sexual and non-sexual harassment in APHIS are included in this report. The statements, issued on June 23, 2006, have been sent electronically and via postal service to all APHIS employees.

All APHIS managers and supervisors are held accountable for engaging in any actions that result in infractions of the civil rights and anti-harassment policies. Managers and supervisors are also held accountable for failure to take appropriate action in response to any findings of discrimination, retaliation, civil rights violations, or related misconduct.

All responding APHIS managers reported that actions have been initiated to eliminate the practice or the appearance of discrimination in the workplace, civil rights policy statements have been developed and posted throughout the work area, and civil rights training has been provided as required.

GOAL 2. Program Delivery: Proactive Management/Legal Compliance

In its most recent 10708 Report to Congress, the Department noted that many USDA agencies (*including APHIS*) were not authorized or lacked specific guidance to collect RSNOD data from program participants. In 2005, the Department submitted a regulation for approval by the Office of Management and Budget (OMB) that is still pending. Further, APHIS' regulatory enforcement activities and program delivery methods do not allow for collection of such data in a practical manner, not withstanding the lack of authority.

APHIS conducted civil rights briefings that included specific information (*civil rights statutes, regulations and directives pertaining to program delivery*), for approximately 150 managers, supervisors and employees to ensure that all program and activities are accessible to the public. A portion of the briefings included information on ensuring that APHIS takes appropriate action to make programs and activities accessible to persons with Limited English Proficiency. The briefings are provided as part of the Fundamentals of APHIS Human Resources Management (*FAHRM*) course.

Ag-Discovery is a three week summer outreach program that teaches youth about agricultural science, including plants and animals, wildlife management, veterinary medicine, and agricultural biotechnology. Students reside on the college campus during this period. The Ag-Discovery program reaches underrepresented groups and persons who have not traditionally participated in programs or mission related activities. During FY 2006 APHIS funded 4 Ag-Discovery programs at a total cost of \$149,065.00.

APHIS has designated Outreach Coordinators for each program area. These coordinators are responsible for monitoring and reporting on outreach activities. The Civil Rights Enforcement and Compliance staff works with the coordinators to ensure full accounting and reporting of outreach activities via an annual report that is provided to the APHIS Management Team and the Department's Office of Outreach.

During the period covered by this report, four program complaints of discrimination were filed against APHIS and accepted by the USDA Civil Rights. Agency Position Statements were submitted to Civil Rights for each of the four program complaints. However, Civil Rights has not issued a final decision on either of the complaints. Therefore, neither corrective actions nor preventative measures have been taken. APHIS reissued its Program Discrimination Complaint Processing Guide to 350 managers and supervisors to emphasize the requirement to forward any program complaints of discrimination or unfair treatment to Civil Rights for review.

GOAL 3. EEO Program: Proactive Management/Legal Compliance

The APHIS EEO Program Status Report for Fiscal Year 2006, prepared in accordance to EEOC Management Directive 715, includes effective strategies for improving diversity, eliminating barriers to equal employment opportunity, and a summary of accomplishment for the Federal Equal Opportunity Recruitment Program goals and objectives. The barrier analysis and the APHIS EEO Plan to Eliminate Barriers to Equal Employment Opportunity, as reported in the EEO Plan, include specific action items, realistic goals, and target dates that demonstrate efforts to improve the agency's posture and ensure diversity in the work force.

GOAL 4. Procurement

As of this report, 80% of the agency's procurement goals were met (*see page 28 Small and Disadvantaged Business Utilization Goals and Year-to-Date Status Report for Fiscal Year 2006*). APHIS continues to provide maximum opportunities for small businesses to participate in contracting activities by attaining small disadvantaged business program goals.

Throughout APHIS, all reporting managers have continued to support minority and women owned businesses to procure services and supplies.

**Animal and Plant Health Inspection Service
Fiscal Year 2006
Civil Rights Performance Plan and Accomplishment Report**

GOAL: 1. Commitment of Agency Leadership/Strategic Plan Integration:

Incorporate the USDA civil rights policy and other related requirements through the Agency/Staff Office operations to ensure that customers and employees are treated in accordance with anti-discrimination laws and regulations.

PERFORMANCE OBJECTIVE : 1.1 <u>Leadership:</u> Hold managers, supervisors and other employees accountable for ensuring that USDA's customers and employees are treated in accordance with USDA civil rights policy and applicable legal requirements.	GOAL INDICATOR: 1. (a) Inclusion in Strategic Plan: Displayed commitment to USDA's civil rights goals and obligations in its Strategic Plan. Agencies must incorporate the requirements of the Departmental Regulation (DR) 4300-010 <i>Civil Rights Accountability Policy and Procedures</i> , issued January 18, 2006. Managers and supervisors are responsible and accountable for maintaining a civil rights program that will accomplish the strategic civil rights goals. Agencies are required to submit portions of the strategic plan that reflect civil rights goals and to provide a succinct narrative rational with evidence of how the agency determined its self-assessed point value.
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AGENCY RESPONSE

The APHIS Civil Rights Strategic Plan, (FY 2004 – FY 2007), is aligned with the EEOC Management Directive 715, and includes specific goals to achieve the USDA Civil Rights goals and objectives. The plan is posted on the CREC website www.aphis.usda.gov/crec

The Civil Rights Enforcement and Compliance staff successfully accomplished each goal and objective expressed in the strategic plan. Accomplishments were incorporated into the EEO Program Status Report submitted under EEOC MD-715 reporting requirements.

APHIS managers have incorporated the provisions of the Departmental Regulations, (*DR-4300-010*) Civil Rights Accountability Policy and Procedures. Agency Accomplishments under this Directive will be monitored by the Civil Rights Enforcement and Compliance Staff.

The APHIS Administrator's Civil Rights Policy Statement and the Anti-Harassment Policy Statement are included in this report. Both statements were sent electronically and via postal service to each APHIS employee, and posted on the APHIS Civil Rights Enforcement and Compliance website www.aphis.usda.gov/crec.

GOAL: 1. Commitment of Agency Leadership/Strategic Plan Integration:

Incorporate the USDA civil rights policy and other related requirements through the Agency/Staff Office operations to ensure that customers and employees are treated in accordance with anti-discrimination laws and regulations.

<p>PERFORMANCE OBJECTIVE: 1.1 <u>Leadership:</u></p> <p>Hold managers, supervisors and other employees accountable for ensuring that USDA's customers and employees are treated in accordance with USDA civil rights policy and applicable legal requirements.</p>	<p>GOAL INDICATOR: 1. (b) <u>Employee's Performance Plan:</u></p> <p>Incorporated the requirements of the DR 4300-010, <i>Civil Rights Accountability Policy and Procedures</i>, issued January 18, 2006.</p> <p>DR-4300-010 requires that annual performance appraisals for managers and supervisors shall include an evaluation of their contributions to USDA's commitment to civil rights and equal opportunity, and adherence to its civil rights policy.</p> <p>In addition, agencies are required to send a copy of a representative sampling of performance plans showing evidence of EEO elements for SES, GS-15, GS-14, GS-13, GS-12, GS-9-11, and GS-1-8.</p>
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AGENCY RESPONSE

APHIS performance plans include requirements to accomplish civil rights program objectives, integrate civil rights policies, and ensure a discrimination free work environment at all levels. Annual performance appraisals for managers and supervisors must include an evaluation of their contributions to USDA's commitment to civil rights and equal opportunity, and adherence to its civil rights policy. APHIS and other Federal agencies were required to abolish the pass/fail performance rating system and implement the 4-level rating system that was approved for use effective December 2005. Consistent with the principles outlined in the plan, over 60% of GS performance plans align with organizational goals and contain credible measures for accurately assessing employee performance. As of this report, 100% of SES plans are aligned with organizational goals and outcomes. Work is ongoing to ensure that 100% of GS plans are aligned by the end of the third quarter of FY 2006.

During the second quarter, web-based training was launched to help executives, managers, and supervisors develop credible measures to accurately assess employee performance and align performance plans with organizational goals. *See attached EEO Civil Rights Performance Element for Managers, Supervisor and Non-Supervisory Employees.*

GOAL: 1. Commitment of Agency Leadership/Strategic Plan Integration:

Incorporate the USDA civil rights policy and other related requirements through the Agency/Staff Office operations to ensure that customers and employees are treated in accordance with anti-discrimination laws and regulations.

PERFORMANCE OBJECTIVE: 1.1 Leadership: Hold managers, supervisors and other employees accountable for ensuring that USDA's customers and employees are treated in accordance with USDA civil rights policy and applicable legal requirements.	GOAL INDICATOR: 1.(c) <u>Disciplinary Actions</u> Took appropriate disciplinary or corrective action when discriminatory conduct relating to civil rights violations or retaliation occurred. Agencies are required to provide the number of employee cases where disciplinary or corrective action was taken. Agencies incorporated the requirements of the DR-4300-010, "Civil Rights Accountability Policy and Procedures" issued January 18, 2006. Agencies must provide a succinct narrative rationale with evidence of how agency determined its self-assessment point value. This evidence should include how the agency complied with the provision of the DR-4300-010.
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AGENCY RESPONSE

APHIS received one Order of Judgment from EEOC, dated December 2, 2005, with a Finding of Discrimination against the agency. APHIS implemented the Order of Judgment to provide full relief to the Complainant within 30 days of receipt. The APHIS Administrator and the appropriate Deputy Administrator were informed of the finding and the implementation procedures through written correspondence dated December 20, 2006. The Final Order adopting the EEOC decision was rendered on December 27, 2005. All corrective actions were completed by January 2006.

The EEOC Order of Judgment did not require disciplinary action. However, in compliance with the Departmental Regulation (DR) 4300-010) Civil Rights Accountability Policies and Procedures, the agency forwarded the file to the Office of Human Capital Management for review and recommendation, if any, of appropriate disciplinary action. To date, no determination has been made.

GOAL: 1. Commitment of Agency Leadership/Strategic Plan Integration:

Incorporate the USDA civil rights policy and other related requirements through the Agency/Staff Office operations to ensure that customers and employees are treated in accordance with anti-discrimination laws and regulations.

<u>PERFORMANCE OBJECTIVE : 1.1 Leadership:</u> Hold managers, supervisors and other employees accountable for ensuring that USDA's customers and employees are treated in accordance with USDA civil rights policy and applicable legal requirements.	<u>GOAL INDICATOR: 1. (d) Civil Rights Impact Analysis:</u> Conducted effective Civil Rights Impact Analyses (CRIA). Agencies are required to provide the number of CRIAs submitted to the Office of Civil Rights. Agencies must provide a succinct narrative rationale with evidence of how the agency determined self-assessed point value.
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AGENCY RESPONSE

In accordance with Departmental Regulation 4300-4, CRIAs were completed on 11 APHIS submissions for the Code of Federal Regulations:

- Pine Shoot Beetle Host Material for Canada
- Importation of Whole Cuts of Beef from Japan
- Requirements for Requests to Amend Import Regulations
- Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products
- Citrus Canker Compensation for Certified Citrus Nursery Stock
- Importation of Swine and Swine Products from the European Union
- User Fees for Agricultural Quarantine and Inspection Service
- Karnal Bunt; Compensation
- Official Control Programs
- Withdrawal and Re-proposal Standards for Permanent, Privately Owned Horse Quarantine Facilities
- Bovine Spongiform Encephalopathy; Minimal Risk Regions; Importation of Live Bovines and Products Derived from Bovines

The APHIS Regulatory Analysis and Development (RAD) submitted a written request to Civil Rights Enforcement and Compliance (CREC) to conduct a CRIA to submit with the rule. The completed CRIA is forwarded to RAD and becomes part of the significant docket clearance package sent to APHIS and USDA. CREC timely submitted all CRIAs with no formal requests for additional information from Civil Rights. The CRIAs for each of the 11 rules found no evidence to establish or infer an adverse civil rights impact analysis. APHIS also conducted CRIAs on internal actions to include 14 Directives, 1 Handbook/ Manual, and 2 Notices. The internal actions covered administrative and employment matters. CREC found no evidence to establish or infer an adverse civil rights impact in any of these actions.

GOAL: 2. Program Delivery: Proactive Management and Legal Compliance: *Ensure all customers equal opportunity to access programs, activities, and services in the delivery of USDA programs and services.*

PERFORMANCE OBJECTIVE: <u>2.1 Program Delivery/Legal Compliance:</u> Deliver Agency programs in compliance with civil rights laws, Departmental regulations, policy, and goals.	GOAL INDICATOR: 2. (a) <u>Collection and Analysis of Program Applicant/Participant Data:</u> Reviewed and incorporated civil rights program analysis by collecting and analyzing data on applicants and participants by race, sex, national origin, and disability (RSNOD) status. Agencies are required to provide evidence for each program that it collects and provides analyses of applicant and participant data by RSNOD. For agencies that currently do not collect applicant and/or participant data by RSNOD, please state the reasons.
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AGENCY RESPONSE

The following primary statutory authorities for APHIS regulatory programs and enforcement activities do not contain language authorizing APHIS to collect RSNOD data from persons who are subject to inspections, licensing, and regulatory enforcement.

- Animal Welfare Act and Horse Protection Act
- Plant Protection Act
- Animal Health Protection Act
- Public Health and Bio Terrorism Act

In its most recent 10708 Report to Congress, the Department noted that many USDA agencies (*including APHIS*) were not authorized or lacked specific guidance to collect RSNOD data from program participants. In 2005, the Department submitted a regulation for approval by the Office of Management and Budget (OMB) that is still pending. Further, APHIS' regulatory enforcement activities and program delivery methods do not allow for collection of such data in a practical manner, not withstanding the lack of authority.

GOAL: 2. Program Delivery: Proactive Management and legal Compliance:

Ensure all customers equal opportunity to access programs, activities, and services in the delivery of USDA programs and services.

<u>PERFORMANCE OBJECTIVES: 2.1 Program Delivery/Legal Compliance:</u> Deliver Agency programs in compliance with civil rights laws, Departmental regulations, policy, and goals.	<u>GOAL INDICATOR: 2. (b) <u>Increased Service Delivery Goals, Removed Barrier, and Increased Program Delivery:</u></u> Created or enhanced program service delivery to under-represented groups by increasing diversity on program committees and boards, increasing service delivery goals, and taking affirmative steps to remove barriers. Agencies made programs accessible for persons with disabilities.
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AGENCY RESPONSE

APHIS continues to maintain diversity on agency boards and committees. The National Poultry Improvement Plan committee (6 members), has 17% minority representation and 33% female representation. The National Wildlife Services Advisory Committee (20 members), currently has 15% minority representation and 35% female representation.

APHIS conducted civil rights briefings that included specific information (***civil rights statutes, regulations and directives pertaining to program delivery***), for approximately 150 managers and supervisors (*current and newly appointed*) and employees to ensure that all program and activities are accessible to the public. A portion of the briefings also include information on ensuring that APHIS takes appropriate action to make programs and activities accessible to persons with Limited English Proficiency. The briefings are provided as part of the Fundamentals of APHIS Human Resources Management (FAHRM) course.

The APHIS Tribal Liaison and APHIS Native American Working Group (*ANAWG*) work with Native American Tribes to ensure their participation in APHIS programs and activities. Sixty-three (63) APHIS to Tribe liaisons work directly with Native American Tribes throughout the United States. For FY 2006, APHIS committed almost \$3,500,000 for Native American outreach initiatives to include programs such as the National Animal Identification System, wildlife damage management, and emergency response. APHIS continued its longstanding program of 14 years, with the Washington Internships for Native Students (WINS), and worked with Tribes to identify candidates for 6-8 weeks of employment opportunities in Washington, DC. The students will earn 6 credit hours for academic studies through the American University. Five students were selected this year.

Ag-Discovery is a three week summer outreach program that teaches youth about agricultural science, including plants and animals, wildlife management, veterinary medicine, and agricultural biotechnology. Students reside on the college campus during this period. The Ag-Discovery

program reaches underrepresented groups and persons who have not traditionally participated in programs or mission related activities. During FY 2006 APHIS funded 4 Ag-Discovery programs at a total cost of \$149,065.00.

- *Florida A&M University* June 11 - June 30, 2006, Tallahassee, Florida
- *University of Maryland* July 9 – July 21, 2006, College Park, Maryland
- *North Carolina State Univ.* June 19 – June 30, 2006, Raleigh, NC
- *Alcorn State University* June 11 – June 30, 2006, Lorman, MS

The programs were funded via cooperative agreements with the universities. Over 3,000 brochures were distributed to schools in the surrounding area of each university, and brochures and applications were available on the APHIS and USDA website, as well as University web sites. Funding for Ag-Discovery is provided by the sponsoring program, and the brochures were tailored to the specific mission of that program. The following APHIS programs participated in the 2006 Ag-Discovery Program: Animal Care, Veterinary Services, Plant Protection and Quarantine, Wildlife Services, Biotechnology and Regulatory Services, and Legislative and Public Affairs. A total of 68 students were selected to participate in the 2006 Ag-Discovery programs, and overall more than 150 students have participated since the pilot program in 2002.

The annual Dr. Martin Luther King, Jr. Educational Contest inspires students to reflect on the life and dream of Dr. King and share their thoughts in either essays or pictorial presentations on the pre-selected theme. First, second and third place winners who are high school seniors are offered summer employment with APHIS. In FY 2006, 7 students were hired for summer employment: 3 from Montgomery Blair High School, and 4 from Northwestern High School. Other participating schools were Hyattsville Elementary and Hyattsville Middle School.

In the seven years since summer employment has been offered, twenty five students have accepted employment (*including the 2006 winners*). APHIS has seven summer intern students from the 2006 MLK contest. Students are usually hired at the GS-01 grade level, at \$9.21 per hour, or approximately \$3,000.00 for the summer.

APHIS has designated Outreach Coordinators for each program area. These coordinators are responsible for monitoring and reporting on outreach activities. APHIS Civil Rights Enforcement and Compliance works with the coordinators to ensure a full accounting and reporting of outreach activities via an annual report provided to the APHIS Management Team and the Department's Office of Outreach.

GOAL: 2. Program Delivery: Proactive Management and Legal Compliance:

Ensure all customers equal opportunity to access programs, activities, and services in the delivery of USDA programs and services.

PERFORMANCE OBJECTIVE : 2.1 <u>Program Delivery/Legal Compliance:</u> Deliver Agency programs in compliance with civil rights laws, Departmental regulations, policy, and goals.	GOAL INDICATOR: 2. (c) <u>Compliance Reviews/Corrective Actions:</u> Conducted civil rights compliance reviews of federally-assisted and conducted programs in accordance with Departmental Regulations and other guidance. Agencies are required to provide a copy of their original Compliance Review Plans scheduled for FY2006, identify compliance reviews that were completed and state reasons why any reviews were not completed. Agencies are also required to provide copies of all Summary Reports covering Compliance Reviews and all Compliance Review Corrective Action Plans and the status of the implementation of all stated corrections. Agencies must provide succinct written rationale with evidence on how the agency determined its self-assessed point value.
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AGENCY RESPONSE

APHIS has scheduled an on-site civil rights compliance review of the Asian Longhorned Beetle Eradication Program in New York, New York during the week of August 1-4, 2006 (4th Quarter FY 2006). The review will cover program delivery in the Manhattan and Brooklyn service areas in New York City.

APHIS Civil Rights Enforcement and Compliance (CREC) personnel continued to serve on the agency's Cooperative Agreements Process Improvement Team (CAPIT) for implementation of recommendations for the process by which APHIS awards and administers funds for federally assisted programs via grants and cooperative agreements. CREC reviewed systems to create greater accounting and competition for equal opportunity in the application and award process. These compliance activities were part of the comprehensive review undertaken by APHIS to strengthen the process for awarding and administering federal financial assistance.

GOAL: 2. Program Delivery: Proactive Management and Legal Compliance:

Ensure all customers equal opportunity to access programs, activities, and services in the delivery of USDA programs and services.

<p>PERFORMANCE OBJECTIVE: 2.2 <u>Efficient Program Complaint</u> <u>Process:</u></p> <p>Deliver Agency programs in compliance with civil rights laws, Departmental regulations, policy, and goals.</p>	<p>GOAL INDICATOR: 2. (d) <u>Complaint Findings/Corrective Actions:</u></p> <p>Implemented timely: (1) preventive and corrective actions resulting from compliance findings and analysis of trends in complaints and (2) responded timely to all requests for Agency Reports on allegations of non-compliance.</p> <p>Agencies are required to provide the number of program complaints conducted in the Fiscal Year where proactive or corrective actions were identified and provide a copy to CR. Corrective action plans should identify timeframes for implementation of these actions.</p> <p>Agencies must provide succinct written rationale with evidence on how the agency determined its self-assessed point value.</p>
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AGENCY RESPONSE

During the period covered by this report, 4 program complaints of discrimination were filed against APHIS. All complaints were accepted for processing by Civil Rights, and APHIS timely submitted an Agency Position Statement for each complaint. Civil Rights has not issued a final decision on any of the 4 complaints; therefore, neither corrective actions nor preventative measures have been taken. APHIS reissued its Program Discrimination Complaint Processing Guide to 350 managers and supervisors to emphasize the requirement to forward any program complaints of discrimination or unfair treatment to Civil Rights for review.

GOAL: 2. Program Delivery: Proactive Management and Legal Compliance:

Ensure all customers equal opportunity to access programs, activities, and services in the delivery of USDA programs and services.

<u>PERFORMANCE OBJECTIVE : 2.2</u> <u>Efficient Program Complaint</u> <u>Process:</u> Deliver Agency programs in compliance with civil rights laws, Departmental regulations, policy, and goals.	<u>GOAL INDICATOR: 2. (e) <u>Agency Position</u></u> <u>Statements Received Timely for Program</u> <u>Complaints:</u> Provided Agency Position Statements for program complaints of discrimination within 24 calendar days from receipt of request from CR. Agencies are required to provide the number of Agency Position Statements given to CR and indicate what percentage was submitted timely. Agencies must provide a succinct written rationale with evidence on how the agency determined its self-assessed point value.
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AGENCY RESPONSE

All Agency Position Statements for complaints filed to date in *FY 2006 (Figg, Ammon, Garretson, Card)* were submitted within the 24-calendar day specified timeframe. The number of days for each complaint is as follows: *Figg (22 days), Ammon (23 days), Garretson (15 days) and Card (8 days).*

GOAL: 2. Program Delivery: Proactive Management and Legal Compliance:

Ensure all customers equal opportunity to access programs, activities, and services in the delivery of USDA programs and services.

<u>PERFORMANCE OBJECTIVE : 2.2 Efficient Program Complaint Process:</u>	<u>GOAL INDICATOR: 2. (f) <u>Program Complaint Notification:</u></u>
Deliver Agency programs in compliance with civil rights laws, Departmental regulations, policy, and goals.	Ensured that no policies, procedures, or practices inherently precluded qualified applicants, recipients, or beneficiaries from filing civil rights program complaints. Agencies are required to provide evidence of their notifications requirements on how to file program complaints of discrimination. Agencies must provide a succinct written rationale with evidence on how the agency determined its self-assessed point value.

AGENCY RESPONSE

On February 17, 2006, APHIS Civil Rights Enforcement and Compliance (CREC) issued a memo: "Guidance-What to Do If You Receive a Complaint of Program Discrimination" to approximately 350 APHIS managers and supervisors. The guidance focuses on importance of informing the public of information to file a complaint and making sure APHIS personnel forward written complaints to CREC so they can be forwarded to CR for review. The memo noted the USDA toll free number to provide to any member of the public who indicates that they may have been discriminated against. Complaint filing procedures are also posted on the CREC website www.aphis.usda.gov/crec via a link to the USDA CR website.

The importance of promptly addressing program discrimination complaints is also included in a portion of the civil rights briefing module provided to newly appointed and current supervisors through the Fundamentals of APHIS Human Resource Management training provided to approximately 150 personnel.

The USDA Nondiscrimination statement and complaint filing information are included on all appropriate APHIS public documents.

GOAL: 3. EEO Program: Proactive Management and Legal Compliance:

Provide a workplace free of unlawful discrimination and enhance the diversity of the workforce.

<p>PERFORMANCE OBJECTIVE 3.1 <u>Model EEO Program:</u></p> <p>Take affirmative steps to ensure that the agency addresses EEO Plan Objectives to Eliminate Barriers: Increase representation of minorities and women in the workforce; improve retention of minorities; increase advancement opportunities for minorities and women; establish and meet hiring and retention goals for employees with targeted disabilities; improve timeliness in complaint processing; and promote a workplace free of reprisal or harassment. These objectives are identified in the EEOC Form 715-01 (MD-715), and the EEO Program Status Report.</p>	<p>GOAL INDICATOR: 3. (a) <u>Elimination of Barriers:</u></p> <p>Utilized various affirmative action plans, human resources reports, and recruitment tools to accomplish EEO and MD-715 objectives: 1) Assessed under-representation, 2) identified barriers, and 3) determined objectives for targeted improvement.</p> <p>Agencies are required to provide a summary analysis of how they determined under-representation by RSNOD, identified planned objectives, and status of implementation of those objectives to improve employment profiles for identified under-represented groups.</p> <p>Agencies must provide a succinct written rationale with quantitative data to support its accomplishments towards reaching specific objectives and its self-assessed point level.</p>
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AGENCY RESPONSE

The APHIS FY 2006 EEO Program Status includes effective strategies for improving diversity, eliminating barriers to equal employment opportunity, and a summary of the accomplishment of the requirements of the Federal Equal Opportunity Recruitment Program goals and objectives. The barrier analysis and the APHIS EEO Plan to eliminate barriers to equal employment opportunity as reported in the EEOC MD-715 EEO Program Status Report (Part H) includes specific action items, realistic goals, and target dates to demonstrate efforts to improve the agency posture and ensure diversity in the work force (*see attached APHIS Work Force Profile Analysis*).

GOAL: 3. EEO Program : Proactive management and Legal Compliance: *Provide a workplace free of unlawful discrimination and enhance the diversity of the workforce.*

PERFORMANCE OBJECTIVE : 3.1 <u>Model EEO Program:</u> Take affirmative steps to ensure that the agency addresses EEO Plan Objectives to Eliminate Barriers: Increase representation of minorities and women in the workforce; improve retention of minorities; increase advancement opportunities for minorities and women; establish and meet hiring and retention goals for employees with targeted disabilities; improve timeliness in complaint processing; and promote a workplace free of reprisal or harassment. These objectives are identified in the EEOC Form 715-01 (MD-715), EEO Program Status Report.	GOAL INDICATOR: 3. (b) <u>Civil Rights Training:</u> Conducted employee civil rights training to increase awareness, understanding, and appreciation of workforce diversity, and civil rights requirements and obligations. Agencies are required to provide a copy of their FY 2006 Civil Rights Training Plan and identify training that was completed in FY06 and state reasons why any required training was not completed in FY 2005. Training held should reflect the FY 2006 requirements: 1) EEO Process, 2) Affirmative Employment, and/or 3) evidence of completion of the Cultural Diversity and Prevention of Sexual Harassment, if not completed in FY 2005. Agencies must provide rationale on how the agency determined its self-assessed point value.
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AGENCY RESPONSE

APHIS selected Disability Rights as the subject for 2006. We currently have classroom training available that will be delivered at different sites in the fall of 2006. We also are working with a contractor to develop an AgLearn module that will be available September 1. For those with poor internet connections, APHIS will offer CD ROMS so they can take the training on their computer. Completion of this course is due by December 31, 2006; and so far 75 APHIS employees have taken the classroom training.

For 2005, the Civil Rights training topics were ***Reasonable Accommodations*** and ***Equal Employment Opportunity*** and ***Federal EEO Complaint Processing Procedures***. These were presented as two separate modules and both had to be completed in order to satisfy the 2005 requirement. Training modules were available via AgLearn and training materials, which could be used to give the training to an entire group or as an individual self-study, were also available. The AgLearn system shows that 6,724 employees have taken the training. For 2004, the topic was Cultural Diversity and for 2003, the topic was Prevention of Sexual Harassment; both of which were completed in full by the agency.

Non-mandatory training was provided to managers, supervisors and team leaders in the western regional office, Fort Collins, Colorado, May 23-25, 2006. Topics included ***Disability, the EEO process, and Prevention of Sexual Harassment***. In addition, representatives from the General

Accounting Office gave a presentation, and participants were invited to speak with managers from Human Resources about EEO related topics. The same training was provided to managers, supervisors, and team leaders in the western regional office, Raleigh North Carolina in September 2005.

Civil Rights presentations were provided to new supervisors several times during the year, at Savannah, Georgia, Nashville, Tennessee and Riverdale, Maryland. Similar presentations were also provided to managers and supervisors in the APHIS Legislative and Public Affairs division (per their request), and to graduates of the Jump Start program, which is designed for contracted, administrative employees.

GOAL: 3. EEO Program: Proactive Management and Legal Compliance:

Provide a workplace free of unlawful discrimination and enhance the diversity of the workforce.

<p>PERFORMANCE OBJECTIVE : 3.1 <u>Model EEO Program:</u></p> <p>Take affirmative steps to ensure that the agency addresses EEO Plan Objectives to Eliminate Barriers: Increase representation of minorities and women in the workforce; improve retention of minorities increase advancement opportunities for minorities and women; establish and meet hiring and retention goals for employees with targeted disabilities; improve timeliness in complaint processing; and promote a workplace free of reprisal or harassment. These objectives are identified in the EEOC Form 715-01 (MD-715), EEO Program Status Report.</p>	<p>GOAL INDICATOR: 3. (c) <u>Compliance Reviews:</u></p> <p>Conducted regular systematic employment compliance reviews, prepared and implemented corrective actions plans as determined as a result of the compliance reviews. Responded timely to all requests for Agency Reports on allegations of non-compliance.</p> <p>Agencies are required to provide a copy of their original Compliance Review Plan scheduled for 2006, identify compliance reviews that were completed, and state reasons why any reviews where not completed.</p> <p>Agencies are also required to provide a cop of all Compliance Review Corrective Action Plans and the status of the implementation of all stated corrections.</p> <p>Agencies must provide a succinct written rationale with evidence of how the agency determined its self-assessed point value.</p>
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AGENCY RESPONSE

The Compliance Review Schedule for 2006 is included in this report. A Civil Rights Compliance Review was completed on the APHIS EEO Advisory Committees on June 14, 2006. The following EEO compliance reviews are in progress and are scheduled for completion in Fiscal Year 2006:

- Hiring and Retention of Persons with Disabilities
- Data Collection System
- Merit Promotion Program
- Employee Recognition and Awards
- Employee Development/Training
- Asian Longhorned Beetle Eradication Program New York, New York

GOAL: 3. EEO Programs: Proactive Management and Legal Compliance:

Provide a workplace free of unlawful discrimination and enhance the diversity of the workforce.

PERFORMANCE OBJECTIVE: 3.2 Comprehensive EEO <u>Evaluation Program:</u> Assess employment practices and programs. Assess employment policies and practices.	GOAL INDICATOR: 3.(d) <u>No FEAR Act</u> Provide timely submissions for compliance with the No FEAR Act, request for comments on proposed regulations Annual Report submissions, or other items as requested by the CR. Agencies must provide a succinct written rationale along with documentation on how the agency determined its self- assessed point value.
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AGENCY RESPONSE

The No FEAR Act report for the first quarter of Fiscal Year 2006 was submitted to USDA Civil Rights on January 25, 2006. The second quarter report was submitted on April 12, 2006. The Annual No FEAR Act report for FY 2005 was submitted to USDA Civil Rights on March 6, 2006. The annual report included an extensive analysis of trends based upon the No FEAR Act data submitted for the entire fiscal year.

The No FEAR Act report for the second quarter of FY 2006 shows 24 complaints filed by 24 individuals with no repeat filers. The 24 complaints raised 62 issues and 41 bases. To date, non-selection and harassment (*non-sexual*) remain cited most often as issues with retaliation cited most often as the bases. Training remains, in part, a key tool in reducing the number of retaliation complaints, as well as effective counseling and mediation. As required, APHIS has met the No FEAR act reporting requirements in a timely manner.

GOAL: 3. EEO Programs: Proactive Management and Legal Compliance:

Provide a workplace free of unlawful discrimination and enhance the diversity of the workforce.

PERFORMANCE OBJECTIVE: <u>3.3 Efficient EEO Complaint Process</u> Manage an effective complaint processing program	GOAL INDICATOR: 3.(e) <u>Complete Investigations within 90 days</u> Complete investigations and distributed Reports of Investigation (ROI) within the 90-calendar day timeframe. Agencies must provide a succinct written rationale on how the agency determined its self-assessed value.
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AGENCY RESPONSE

As of this report, 29 formal complaints have been filed, with 15 pending acceptance. Investigations have been completed on 23 complaints at a cost of \$80, 886.74. Each case is reviewed for legal sufficiency and distributed to the complainant and the representative within 2 business days. Complainants and/or representatives were notified immediately if the sufficiency review revealed the need for additional information or a supplemental investigation.

The average timeframe for completion of the investigation of an EEO complaint is approximately 186 days, as noted in the Civil Rights iComplaints system. This timeframe encompasses processing of the complaint from the initial filing through acknowledgment and acceptance by Civil Rights, and the date of receipt by the agency.

Investigations may be impacted, in part, by several factors including multiple claims and amended issues, and other processing functions beyond the control of APHIS which necessitate the extension of the investigation timeframe. APHIS continues to work closely with Civil Rights to address some of these concerns.

GOAL: 3. EEO Programs: Proactive Management and Legal Compliance:

Provide a workplace free of unlawful discrimination and enhance the diversity of the workforce.

PERFORMANCE OBJECTIVE: <u>3.3 Efficient EEO Complaint Process:</u> Manage and effective complaint-processing program.	GOAL INDICATOR: 3. (f) <u>Timely submit EEO Counselors' Reports:</u> Submitted timely EEO Counselors' Reports within 15 calendar days from giving complainant a Notice of Right to File. Agencies are required to provide the number of EEO Counselors' Reports and the percentage completed in a timely manner. Agencies must provide a succinct written rationale with evidence on how the agency determined its self-assessed point value.
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AGENCY RESPONSE

As of this report, APHIS was 100% in compliance with requirements for EEO Counselor Report submission as required by USDA Directive and MD-110. The Departmental Complaint tracking system indicates that Counselor reports were submitted timely and within the 15 calendar days after issuance of the Notice of Right to File.

GOAL: 3. EEO Programs: Proactive Management and Legal Compliance:

Provide a workplace free of unlawful discrimination and enhance the diversity of the workforce.

<u>PERFORMANCE OBJECTIVE: 3.3 Efficient EEO Complaint Process:</u>	<u>GOAL INDICATOR: 3. (g) Efficient Use of ADR for EEO and Disputes:</u>
Manage an effective complaint-processing program.	Demonstrated good faith efforts to resolve EEO complaints, and workplace disputes at all times, especially early in the process.
	Provided Alternative Dispute Resolution (ADR) in the informal stage.
	Increased the use of ADR in the informal stage and decreased the number of complaints in the formal stage. Offered ADR to complainants as required by USDA to resolve EEO complaints, and effectively provided ADR services when offers were accepted.
	Provided evidence of Agencies' use of ADR in EEO cases to CR and the Conflict Prevention and Resolution Center.
	Demonstrated good faith effort to resolve EEO complaints, and workplace disputes at all times, especially early in the process.
	Agencies are required to provide the number of informal and formal cases and the amount of usage of ADR in both types.
	Agencies must provide succinct written rationale with evidence on how the agency determined its self-assessed point value.

AGENCY RESPONSE

ADR continues to be offered to all employees/applicants contacting the ADR Center to report an allegation of discrimination. The intake specialist advises each complainant of the regulatory requirement that the election of EEO Counseling or ADR/Mediation be made and confirmed in writing. Each complainant is mailed an election form along with informational materials and guides to the Federal EEO Complaint Process.

CREC implemented alternative methods of ADR in an effort to expand options in accordance with EEOC regulations. Video conferencing and telephone/settlement conferences were added options to the methods of ADR being offered. Guidelines and procedures were developed to incorporate these

additional methods for ADR. All Counselor/Mediators offer these options to complainants providing them an opportunity to select from a variety of mediation choices.

To date, 60 individuals contacted the APHIS ADR Center and were all offered ADR. Seven (7) individuals elected and/or participated in mediation; the remaining elected traditional counseling. Of these 60 informal complaint contacts, 1 resulted in a settlement, 35 withdrew and 24 proceeded in the formal administrative complaint process.

ADR continues to be offered throughout the entire administrative complaint process. Upon completion of the formal complaint investigation, the complaint specialist analyzes each Report of Investigation and the complainant who may have initially declined mediation, may be offered another opportunity to participate in ADR. To date, 6 complainants comprising complaints filed in both this current fiscal year and those previous have engaged in telephonic settlement discussions, however, none were resolved.

As a result of a comprehensive approach to ADR, complaint activity and the filing of formal complaints have decreased, e.g., FY 2004 73 counseling contacts were made with 74 formal complaints filed; in FY 2005 96 counseling contacts, 64 formal complaints were filed; and, in FY 2006, 60 counseling contacts were made with 29 formal complaints filed.

GOAL: 3. EEO Programs: Proactive Management and Legal Compliance

Provide a workplace free of unlawful discrimination and enhance the diversity of the workforce.

<u>PERFORMANCE OBJECTIVE: 3.3 Efficient EEO Complaint Process:</u> Manage an effective complaint processing program.	<u>GOAL INDICATOR: 3.(h) Analyze and Monitor Complaints, Corrective Actions, Settlement Agreements:</u> Timely response to requests for information from EEO Counselors, Investigators and Adjudicators. Agency promptly implements terms of settlement agreements, including terms of the Basu settlement agreement , where applicable Provide data, analysis and recommendations and the status of all recommendations. Agencies are required to provide data on: 1) the number of requests for information and the average number of calendar days for those responses; 2) settlement agreements and the average number of days for implementation; and 3) analysis of corrective actions and settlement agreements. Agencies must provide succinct written rationale evidence on how the agency determined its self-assessed point value.
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AGENCY RESPONSE

APHIS complaints processing specialists continue to work closely with agency EEO Counselors/Mediators and staff responsible for representing the agency at Administrative hearings. Staff also provides support to OGC and monitor progress on Civil Actions.

CREC complaint specialists are responsible for monitoring acceptances received from Civil Rights, assigning and dispatching investigators and tracking the progress of the investigation. The specialist also keeps the director apprised of all requests for extensions to the director, clear the ROI for sufficiency and clear payment of the Investigation firm. Written analysis of each complaint is developed by the specialists and submitted to the director. The specialist discusses identified strengths and weaknesses of each case with the Responding Management Official and complainant. Settlements brokered by the specialists are reviewed by the director prior to signature. Agreements brokered at the hearing stage are reviewed by the agency representative; however, the CREC complaint specialist maintains implementation documents and prepares all required compliance reports.

In FY 2006 settlement agreements were negotiated on 2 informal complaints and 9 formal complaints through the use of ADR. Agreements were monitored and files were maintained on all

payments and actions. Total complaint closures for FY 2006 totaled 47 and are comprised of 29 Final Decisions, 9 Withdrawals, and 9 Settlements.

Under the provisions of the Basu Class Action Settlement Agreement, APHIS was held to specific obligations which included the establishment of a Development Opportunity Placement Program (DOPP) to provide Asian/Pacific Islander employees with opportunities for career development and growth. APHIS was to make available two opportunities annually during the three-year (June 2005 – June 2008) term of the agreement. The opportunities must have duration of at least 31 days and the agency must fill six opportunities during the three-year period. APHIS has met this obligation by posting and filling two opportunities in Fiscal Year 2006.

Additionally, in compliance with the terms of the Basu Class Action Settlement Agreement, APHIS obligated monies awarded to EEO discrimination complainants as identified by the Office of the General Counsel for resolution of these individual complaints. Funds totaling \$89,690.00 were obligated, as directed to the Office of the Chief Financial Officer on September 29, 2005. Settlement agreements negotiated during the informal complaint process were implemented on an average of 30 days, or according to timeframes specifically identified in the agreement. APHIS has met the obligation stated in the Basu agreement by posting and filling two opportunities in Fiscal Year 2006.

GOAL 4: Procurement

Ensure equal opportunity for minorities, women-owned, small and disadvantaged, service disabled veterans, American Indians/Alaska Natives, and persons with disabilities (Javits-Wagner-O'Day Act "JWOD") in all USDA contracting activities.

<u>PERFORMANCE OBJECTIVE: 4.1</u> <u>Procurement Goals:</u> Take affirmative steps to increase procurement with businesses owned and operated by women, minorities, service disabled veterans, small and disadvantaged businesses, American Indians/Alaska Natives, and persons with disabilities (JWOD non-profit service providers).	<u>GOAL INDICATOR: 4 (a) Accomplishment of Goals:</u> Develop and implement effective strategies for improving participation by women minorities, service disabled veterans, small and disadvantaged businesses, American Indians/Alaska Natives, persons with disabilities (JWOD service providers) and for accomplishing all goals. Agencies are required to provide procurement goal targets for each major category and the associated percentage achieved for each goal. Agencies must provide succinct written rationale and evidence on how the agency determined its self-assessed point value.
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AGENCY RESPONSE

As of this report, 80% of the agency's procurement goals were met. APHIS continues to provide maximum opportunities for small businesses to participate in contracting activities by attaining small disadvantaged business program goals. *Listed below are the agency's Small and Disadvantaged Business Utilization Goals for FY 2005 and Year-to Date Status for FY 2006:*

Procurement Preference Category	FY 2005 Goals	% End of Year Results	FY 2006 Goals	% Year to Date Results (5/16/06)
Small Business	40%	54.2%	45%	72.3%
8(a)	5%	3.82%	5%	2.39%
Small Disadvantage Business	6%	8.91%	7%	8.34%
Women-owned	5%	8.26%	6%	8.72%
Hubzone	3%	2.19%	3%	.054%
Service Disabled Veteran Owned Small Business	3%	.70%	3%	2.80%

Note: All data was available from the USDA, OSDBU Office and/or reports pulled from the Federal Procurement Data System – New Generation (FPDS-NG System). Data represents % of dollars obligated under each mandatory goal.

APPE N D I C E S

1. APHIS Civil Rights Strategic Goals and Objectives (*FY 2004 – FY 2007*)
2. APHIS Civil Rights Policy Statement - *June 23, 2006*
3. APHIS Anti-Harassment Policy Statement - *June 23, 2006*
4. CREC Language for Required EEO Element for Managers, Supervisors and Non-Supervisory Employees
5. CREC Compliance Review Schedule
6. APHIS Training Plan
7. APHIS Work Force Profile Analysis

APPENDIX 1

Civil Rights Strategic Goals and Objectives FY 2004 - FY 2007

Goal 1: Develop and implement an Equal Employment Opportunity Program designed to address agency diversity.

Goal 2: Reduce formal and informal Complaints of employment discrimination

Goal 3: Provide customized agency -specific civil rights briefings to managers.

Goal 4: Increase the evaluation and monitoring of the civil rights program at all levels in headquarters and field offices.

Goal 5: Serve the public effectively and efficiently by strengthening Program Delivery and Outreach.

Goal 6: Assess the Civil Rights impact of agency actions relating to external and internal regulations, policies, and decisions.

Goal 7: Utilize information technology to improve and expand all aspects of civil rights for program delivery in APHIS.

Goal 8: Strengthen and expand educational programs and initiatives with 1890 Land Grant Institutions, Historically Black Colleges and Universities, Hispanic Serving Institutions, Tribal Colleges and Universities, and organizations serving women and persons with disabilities

APPENDIX 2



United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
Health Inspection
Service

Washington, DC
20250

June 23, 2006

APHIS Civil Rights Policy Statement

This Civil Rights Policy Statement reaffirms my commitment to Civil Rights and Equal Employment Opportunity, and emphasizes our goal to ensure a workplace free of discrimination, reprisal, retaliation, and harassment of any type within the Animal and Plant Health Inspection Service. We will maintain a model EEO program in compliance with the Equal Employment Opportunity Commission Management Directive 715, Departmental Regulation (DR 4300-010) "Civil Rights Accountability Policies and Procedures," and the APHIS Civil Rights Strategic Plan.

Every APHIS employee or applicant for employment deserves fair and equitable treatment regardless of race, color, religion, gender, national origin, disability, age, sexual orientation, political beliefs, or marital or familial status. Managers must disseminate this policy statement to all employees within their program areas. All APHIS managers, supervisors, and employees will be held accountable for engaging in any actions that result in infractions of this policy.

As public servants, of one of the most productive agencies within the U.S. Department of Agriculture, we will proactively provide equitable and discrimination-free programs and activities to the public and focus our efforts to ensure that we reach all our potential customers.

A handwritten signature in black ink, appearing to read "W. R. DeHaven", written over a horizontal line.

W. Ron DeHaven
Administrator



Safeguarding American Agriculture

APHIS is an agency of USDA's Marketing and Regulatory Programs
An Equal Opportunity Provider and Employer

Federal Relay Service
(Voice/TTY/ASCII/Spanish)
1-800-877-8339

APPENDIX 3



JUN 23 2006

United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service

Washington, DC
20250

APHIS Anti-Harassment Policy Statement

This Anti-Harassment Policy Statement reaffirms my commitment to prohibit sexual and non-sexual harassment in APHIS. Managers, supervisors, and employees must remain cognizant of this policy and refrain from perpetuating acts of harassment. Any reported claim of harassment must be resolved before it becomes severe or pervasive.

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual; has the purpose or effect of creating an intimidating, hostile, or offensive work environment, unreasonably interfering with an individual's work performance, or otherwise adversely affects employment opportunities. Harassing conduct includes, but is not limited to epithets, slurs, negative stereotyping, threatening, intimidating, or hostile acts, and written or graphic material that denigrates or shows hostility or aversion toward an individual or group.

Employees seeking relief from harassment based on sex, with or without sexual conduct, race, color, religion, national origin, age, disability, sexual orientation, marital or parental status must contact the Civil Rights Enforcement and Compliance Alternative Dispute Resolution Center (1-800-372-7231) within 45 days of an alleged incident. All other allegations of harassment should be reported to supervisors, managers, or the Workplace Violence Prevention and Response Hotline (1-866-234-3174).

Complaints of harassment may be expressed by an employee, applicant, or beneficiary of an APHIS program or activity without fear of retaliation. All acts of retaliation must be reported immediately through the appropriate forum indicated in the previous paragraph. All allegations will be investigated, and any individual(s) found to have violated prohibitions on harassment will be subject to disciplinary action.

Enforcement guidance from the Equal Employment Opportunity Commission on employer liability for acts of harassment states that "***An employer is always liable for harassment by a supervisor on a prohibited basis that culminates in a tangible employment action.***" Tangible employment actions include: hiring and firing; promotion and failure to promote; demotion; undesirable reassignment; a decision causing significant change in benefits; compensation decisions; and work assignment. The guidance also provides that "***in some circumstances, an employer may be subject to vicarious liability for harassment by a supervisor who does not have actual authority over the employee.***"

Managers must disseminate this policy statement to all employees within their program areas. This policy and the ***EEOC Enforcement Guidance, Notice 915.002 Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors*** is located on the CREC website at aphis.usda.gov/oa/crec. APHIS managers are encouraged to participate in training to prevent unlawful harassment that is offered annually within the agency. Prevention is the most effective tool to successfully eliminate harassment in the workplace.

W. Ron DeHaven
Administrator



Safeguarding American Agriculture

APHIS is an agency of USDA's Marketing and Regulatory Programs
An Equal Opportunity Provider and Employer

Federal Relay Service
(Voice/TTY/ASCII/Spanish)
1-800-877-8339

APPENDIX 4

APHIS Civil Rights Enforcement and Compliance

Recommended Language for Required EEO Element for Managers and Supervisors
ELEMENT WEIGHT WILL BE 10%

Performs all duties consistent with civil rights and equal opportunity laws and regulations prohibiting discrimination. Demonstrates equal employment opportunity for all employees and applicants for employment by responsibility for prevention and resolution of complaints; ensuring employee cooperation in the EEO complaint process, and recruitment and outreach. Provides for appropriate disability and religious based accommodations. Communicates with employees to address problems and disagreements in the workplace. Ensures that APHIS programs and activities are implemented in a nondiscriminatory manner to reach all eligible beneficiaries.

Recommended civil rights/equal opportunity language to incorporate in Non-supervisory employees' EEO element (stand-alone element for EEO not required, language may be incorporated into customer service, teamwork, or similar element.

Treat all employees, stakeholders, program beneficiaries and the general public with fairness, dignity and respect consistent with agency goals for civil rights and equal opportunity

APPENDIX 5

APHIS COMPLIANCE REVIEW SCHEDULE FISCAL YEAR 2006

Employment

EEO Advisory Committees

Hiring/Retention of Persons with Targeted Disabilities

Awards

Merit Promotion

Monitoring/Reporting of EEO Data

Employee Training and Development

Programs

Cooperative Agreements Process Improvement Team
(Overview of APHIS Federally Assisted Programs Processing)

Asian Longhorned Beetle Eradication Program, New York City

APPENDIX 6

Animal and Plant Health Inspection Service Fiscal Year 2006 Civil Rights Training Plan

Mandatory Disability Rights Training

As of this report, the Agency has classroom training available for headquarters and field employees. Disability Rights Training will be delivered at different sites in the fall of 2006.

APHIS is currently working with a contractor to develop an AgLearn module that will be available September 1, 2006. For those with poor internet connections, APHIS will offer CD ROMS so they can take the training on their computer.

Completion of this course is due by December 31, 2006; and as of this report 75 APHIS employees have taken the classroom training.

Non-Mandatory Training

Non-mandatory training was provided to managers, supervisors and team leaders in the Western Regional Office, Fort Collins, Colorado, May 23-25, 2006. Topics included *Disability, the EEO process, and Prevention of Sexual Harassment*. In addition, representatives from the Office of General Counsel gave a presentation on Strategies for Preventing Reprisal Complaints. The same training was provided to managers, supervisors, and team leaders in the Eastern Regional Office, Raleigh North Carolina in September 2005.

Civil Rights presentations were provided to new supervisors **several times** during the year, in Savannah Georgia, Nashville, Tennessee and Riverdale Maryland. Similar presentations were also provided to managers and supervisors in the APHIS Legislative and Public Affairs division (per their request), and to graduates of the Jump Start program, which is designed for contracted, administrative employees.

The AgLearn module on disability rights will be available in July 2006. Classroom materials and self-study materials with video is available from the APHIS Training and Development Branch (TDB). Employees were provided with the name and number of a person from who they could obtain a basic PowerPoint presentation for use with groups.

APPENDIX 7

APHIS WORK FORCE PROFILE ANALYSIS FISCAL YEAR 2006

Workforce Profile - A comparison of Fiscal Year 04 and Fiscal Year 05 shows a net change in the total APHIS work force of -4% with a difference of 322 employees and a work force total of 8045 in FY 05 and 8363 in FY 06. The total number of women was in FY 05 was 3284 and 3402 in FY 06 with a change of -3.6%. The total number of Hispanic or Latino men in FY 05 was 548 (11.5%) and 583 (11.8%) in FY 06, a change of -0.3%. The total number of Hispanic or Latino women in FY 05 was 291 (8.9%) and 310 (9.1%) with a change of -0.2%. The total number of African American men for FY 05 was 234 (4.9%) and 241 in FY 06 (4.9%), with no change. The total number of African American women in FY 05 was 435 (13.2%) and 446 (13.1%) in FY 06 with a change of 0.1%. The total number of Asian men for FY 05 was 410 (8.6%) and 426 for FY 06 (8.6%) with no change. The total number of Asian women for FY 05 was 159 (4.8%) and 162 (4.8%) for FY 06 with no change. The total number of American Indian men in FY 05 was 32 (0.7%) and 38 (0.8%) in FY 06 with a change of -0.1%. The number of American Indian women in FY 05 was 32 (1%) and 34 (1%) in FY 06 with no change.

Occupational Categories - The majority of APHIS employees 6495 are in grades GS 12 and below: women total 2922 and men total 2616. There are 1142 employees at mid-level grades GS 13 and 14: 446 women and 696 men. There are 109 employees at the GS 15: 33 women and 76 men.

New Hires - In FY 2006, 753 employees were hired to permanent positions; 523 to temporary positions and 70 to indefinite positions. By comparison, fewer women (300) were hired for permanent positions than men (453). The number of Hispanic men and women hired to Temporary positions 63 and 34 respectively was less than the number of Hispanic men and women hired to permanent positions 71 and 38 respectively. More permanent African American males (18) were hired than temporary (11), and more permanent African American females (32) were hired than temporary (18). Asian hires to temporary positions 5 men and 10 women were fewer than permanent hires of 14 men and 15 women. American Indians were also hired to permanent positions at a higher rate (5) than to than to temporary positions (0).

Source: Data collected from the NFC Reporting Center July 6, 2006